

02-02-2000

ocket No. C1039/7029(HC)

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12-27-2000

FORM PTO-1595 U.S.

(Rev. 6-93)

OMB No. 0651-0011 (exp. 4/94)

101255664

DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Assistant Commissioner for Patents : Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Arthur M. Krieg

Additional name(s) of conveying party(ies) attached? [ ] Yes [x] No

3. Nature of conveyance:

[x] Assignment

[ ] Merger

[ ] Security Agreement

[ ] Change of Name

[ ] Other

Execution Date: December 16, 1999

2. Name and address of receiving party(ies)

Name: The University of Iowa Research  
Foundation

Internal Address:

Street Address: 214 Technology Innovation  
Center,  
Oakdale Research Campus  
Iowa City, Iowa 52242

Additional name(s) &amp; addresses(es) attached? [ ] Yes [x] No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is

A. Patent Application No.(s)  
09/415,142

B. Patent No.(s)

CORRESPONDENCE IS DEPOSITED WITH THE  
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CLASS MAIL IN AN ENVELOPE ADDRESSED TO:  
ASSISTANT COMMISSIONER FOR PATENTS,  
WASHINGTON, DC 20231, ON12/22/99  
DATE

Additional numbers attached? [ ] Yes [x] No

5. Name and address of party to whom correspondence  
Concerning document should be mailed:Name: Helen C. Lockhart  
Address: WOLF, GREENFIELD & SACKS, P.C.  
Federal Reserve Plaza  
600 Atlantic Avenue  
Boston, MA 02210

6. Total number of applications and patents involved: [1]

7. Total fee (37 CFR 3.41)

\$ 40.00

[x] Enclosed

[ ] Authorized to be charged to deposit account

The Commissioner is authorized to charge any fee deficiencies  
to our deposit account :

8. Deposit Account No: 23/2825

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9. Statement and signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the  
original document.

Helen C. Lockhart

December 22, 1999

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: [2]

Mail documents to be recorded with required cover sheet information to:

Box Assignment

Assistant Commissioner for Patents,  
Washington, D.C. 20231

02/02/2000 DNGUYEN 00000043 09415142

01 FC:581

40.00

425527.1

# ASSIGNMENT

In consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the undersigned Arthur M. Krieg, hereby  
 Sell, assign and transfer to The University of Iowa Research Foundation, an Iowa corporation having a place of business at 214 Technology Innovation Center, Oakdale Research Campus, Iowa City, Iowa 52242, its successors, assigns and legal representatives, all hereinafter referred to as the Assignee, the entire right, title and interest for the United States and all foreign countries, in and to any and all inventions which are disclosed in the application for United States Letters Patent filed on October 9, 1999 and assigned serial number 09/415,142 and entitled IMMUNOMODULATORY OLIGONUCLEOTIDES, and in and to said application and all divisional, continuing, substitute, renewal, reissue and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on any of said inventions; and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said inventions including the right to apply for patent rights in each foreign country and all rights to priority.

Agree that said Assignee may apply for and receive Letters Patent for said inventions in its own name; and when requested, without charge to but at the expense of said Assignee, agree to carry out in good faith the intent and purpose of this assignment by executing all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all said inventions, by executing all rightful oaths, assignments, powers of attorney and other papers, by communicating to said Assignee all facts known to me relating to said inventions and the history thereof, and generally by doing everything possible which said Assignee shall consider desirable for aiding in securing and maintaining proper patent protection for said inventions and for vesting title to said inventions and all applications for patents and all patents on said inventions, in said Assignee.

Hereby request the Honorable Commissioner of Patents and Trademarks to issue said Letters Patent to said Assignee.

Covenant with said Assignee that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by me, and that full right to convey the same as herein expressed is possessed by me.

Dated: 12/16/99

Arthur M. Krieg  
 Arthur M. Krieg

STATE OF Massachusetts :  
 COUNTY OF Suffolk :

Subscribed and sworn to before me this 16<sup>th</sup> day of December 1999.

SEAL

Marianne Flynn  
 Notary Public

My Commission Expires: \_\_\_\_\_

MARIANNE FLYNN  
 NOTARY PUBLIC  
 My Commission Expires April 16, 2004



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

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APRIL 10, 2000

WOLF, GREENFIELD & SACKS, P.C.  
HELEN C. LOCKHART  
FEDERAL RESERVE PLAZA  
600 ATLANTIC AVENUE  
BOSTON, MA 02210

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\*101255664A\*

APR 1 8 2000

**UNITED STATES PATENT AND TRADEMARK OFFICE  
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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 12/27/1999

REEL/FRAME: 010511/0797  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

**ASSIGNOR:**

KRIEG, ARTHUR M.

DOC DATE: 12/16/1999

**ASSIGNEE:**

UNIVERSITY OF IOWA RESEARCH  
FOUNDATION, THE  
214 TECHNOLOGY INNOVATION CENTER  
OAKDALE RESEARCH CAMPUS  
IOWA CITY, IOWA 52242

SERIAL NUMBER: 09415142  
PATENT NUMBER:

FILING DATE: 10/08/1999  
ISSUE DATE:

KIMBERLY WHITE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
ASSISTANT SECRETARY AND COMMISSIONER  
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Washington, D.C. 20231

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SEPTEMBER 14, 2000

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HELEN C. LOCKHART  
FEDERAL RESERVE PLAZA  
600 ATLANTIC AVENUE  
BOSTON, MA 02210

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SEP 22 2000

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RECORDATION DATE: 03/14/2000

REEL/FRAME: 010946/0624  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
KLINMAN, DENNIS

DOC DATE: 03/01/2000

ASSIGNEE:  
HEALTH AND HUMAN SERVICES, UNITED  
STATES OF AMERICA, THE, AS  
REPRESENTED BY THE SECRETARY  
FDA/CBER BUILDING 29A, 3D10  
BETHESDA, MARYLAND 20892

SERIAL NUMBER: 09415142  
PATENT NUMBER:

FILING DATE: 10/08/1999  
ISSUE DATE:

TARA WASHINGTON, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

07-31-2000

Form No. C1039/7029  
Document No.: 101321409

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FORM PTO-1595 U.S.  
(Rev. 6-93)  
OMB No. 0651-0011 (exp. 4/94)DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Assistant Commissioner for Patents : Please record the attached original documents or copy thereof.

<p>1. Name of conveying party(ies): Dennis Klinman</p> <p>Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>3. Nature of conveyance:</p> <p><input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger</p> <p><input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name</p> <p><input type="checkbox"/> Other _____</p> <p>Execution Date: March 1, 2000</p>	<p>2. Name and address of receiving party(ies)</p> <p>Name: The United States Of America, as represented by the Secretary, Department of Health and Human Services</p> <p>Internal Address:</p> <p>Street Address: FDA/CBER Building 29A, 3D10 Bethesda, Maryland 20892</p> <p>Additional name(s) &amp; addresses(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
--	---

4. Application number(s) or patent number(s):  
If this document is being filed together with a new application, the execution date of the application is

A. Patent Application No.(s)  
09/415,142

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

<p>5. Name and address of party to whom correspondence Concerning document should be mailed:</p> <p>Name: Helen C. Lockhart Address: WOLF, GREENFIELD &amp; SACKS, P.C. Federal Reserve Plaza 600 Atlantic Avenue Boston, MA 02210</p>	<p>6. Total number of applications and patents involved: <b>One</b></p> <p>7. Total fee (37 CFR 3.41) \$ 40.00</p> <p><input checked="" type="checkbox"/> Enclosed (previously filed 3/7/00)</p> <p><input type="checkbox"/> Authorized to be charged to deposit account _____</p> <p>The Commissioner is authorized to charge:</p> <p>8. Deposit Account No: 23/2825</p>
--	---

DO NOT USE THIS SPACE

9. Statement and signature  
*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Helen C. Lockhart  
(Reg. No. 39,248)

7/12/00

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: **7**

Mail documents to be recorded with required cover sheet information to:  
Box Assignment, Assistant Commissioner for Patents,  
Washington, D.C. 20231

ASSIGNMENT

**WHEREAS**, I, Dennis Klinman, as an employee of the Department of Health and Human Services during which time co-invented "**IMMUNOMODULATORY OLIGONUCLEOTIDES**" for which has been made application for Letters Patent of the United States Serial No. 09/415,142 filed October 9, 1999; and

**WHEREAS**, I am an applicant named in the above-identified application for Letters Patent; and

**WHEREAS**, the conditions under which said invention was made are such as to entitle **THE UNITED STATES OF AMERICA**, as represented by the Secretary, Department of Health and Human Services [hereinafter **THE GOVERNMENT**] under Paragraph 1(a) of Executive Order 10096 to the entire right, title, and interest herein, both domestic and foreign; and

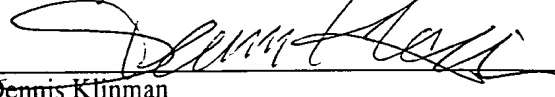
**WHEREAS**, **THE GOVERNMENT** is desirous of acquiring all domestic and foreign right, title, and interest in the above-mentioned invention described in the application for Letters Patent; and

**NOW, THEREFORE**, for good and valuable consideration, the receipt of which is hereby acknowledged, I hereby assign and transfer to **THE GOVERNMENT**, represented by the Secretary, Department of Health and Human Services, the full and exclusive rights in and to said invention in the United States and within each and every foreign country in which **THE GOVERNMENT** elects to file and the entire right, title, and interest in and to such applications, and any continuations, continuations-in-part, divisions, reissues or extensions thereof, and including priority rights as may be filed in the United States and foreign countries, and such Letters Patent as may be granted to be held by **THE GOVERNMENT** to the end of the term for which the same would have been held by the inventor had this assignment not been made.

I further agree to make, execute, and deliver to the Secretary, Department of Health and Human Services, upon request, any and all papers, documents, affidavits, or other instruments that may be necessary in the prosecution of any application or applications for improvements or reissues of Letters Patent, and to assist **THE GOVERNMENT** in every way as may be requested in protecting said invention, provided that any expense of extending such assistance shall be paid by **THE GOVERNMENT**.

IN WITNESS WHEREOF I subscribe my hand and seal on the dates shown below:

March 1, 2000  
Date

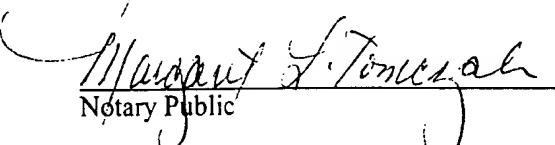
  
Dennis Klinman

County of Montgomery

State of Maryland

Subscribed and sworn to before me this 1st day of March, 2000

[Seal]

  
Notary Public

432720.1

MY COMMISSION EXPIRES  
MARCH 1, 2003  
MARGARET L. TOMCZAK  
NOTARY PUBLIC

Express Mail Label No. EL844514258  
Date of Deposit: August 16, 2001



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

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NOVEMBER 07, 2000

WOLF, GREENFIELD & SACKS, P.C.  
HELEN C. LOCKHART  
600 ATLANTIC AVE.  
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RECORDATION DATE: 09/11/2000

REEL/FRAME: 011080/0112  
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

STEINBERG, ALFRED D.

DOC DATE: 10/30/1998

ASSIGNEE:

CPG IMMUNOPHARMACEUTICALS, INC.  
55 WILLIAM STREET  
SUITE 120  
WELLESLEY, MASSACHUSETTS 02481

SERIAL NUMBER: 09415142  
PATENT NUMBER:

FILING DATE: 10/08/1999  
ISSUE DATE:

PEARLENE FOSTER, PARALEGAL  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

RECORDATION F  
PATENT

09-21-2000

FORM PTO-1595 U.S.

(Rev. 6-93)

OMB No. 0651-0011 (exp. 4/94)

DEPT. OF COMMERCE  
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101465693

To the Assistant Commissioner for Patents: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):  
Alfred D. Steinberg

9.11.00

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other \_\_\_\_\_

Execution Date: October-November 1998

2. Name and address of receiving party(ies)

Name: CpG ImmunoPharmaceuticals, Inc.

Internal Address:

Street Address:

55 William Street, Suite 120  
Wellesley, Massachusetts 02481Additional name(s) & addresses(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is

A. Patent Application No.(s)  
09/415,142

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No5. Name and address of party to whom correspondence  
Concerning document should be mailed:

Name: Helen C. Lockhart

Address: WOLF, GREENFIELD & SACKS, P.C.  
Federal Reserve Plaza  
600 Atlantic Avenue  
Boston, MA 022106. Total number of applications and patents involved: **One**

7. Total fee (37 CFR 3.41)

\$ 40.00

☒ Enclosed☐ Authorized to be charged to deposit account

The Commissioner is authorized to charge:

8. Deposit Account No: 23/2825

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9. Statement and signature

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*Helen C. Lockhart  
(Reg. No. 39,248)

9/5/00

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: **4**

Mail documents to be recorded with required cover sheet information to:

Box Assignment, Commissioner for Patents,  
Washington, D.C. 20231

09/20/2000 MTHA11

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CpG ImmunoPharmaceuticals, Inc.  
55 William Street, Suite 120  
Wellesley, Massachusetts 02481  
Phone 781-431-6400  
Fax 781-431-6403



October 30, 1998

Alfred D. Steinberg, M.D.  
8814 Bells Mill Rd  
Potomac, MD 20854

VIA OVERNIGHT COURIER

PERSONAL AND CONFIDENTIAL

Dear Dr. Steinberg:

This is to confirm in writing the understanding reached by the Company and you under which you will serve as a consultant to the Company.

The Company hereby retains you to render such consulting, advisory and related services to the Company in the field of vaccine adjuvants, cancer vaccines and immunomodulation as the Company may reasonably request from time to time. You hereby accept such engagement subject to the terms and conditions set forth herein.

You hereby agree that if you are determined to be an inventor of U.S. patent application Serial No. 08/276,358, entitled "Immunomodulatory Oligonucleotides," you do hereby assign all right, title and interest you may have in such patent application and all related patent applications and patents (including any continuations, continuations-in-part, divisions, extensions, renewals, reissues, revivals, re-examinations and foreign counterparts) to CpG ImmunoPharmaceuticals, Inc. To the best of your knowledge and belief, you are free to assign such ownership interest to CpG without the consent of any third party.

In consideration for the above assignment and your consulting services, you shall receive the option to purchase 50 shares of the Company's Common Stock at a purchase price of \$206.70 per share, with such option to purchase all 50 shares vesting immediately upon execution of this Letter Agreement, and pursuant to the terms of a Non-Qualified Stock Option Agreement to be entered into between the parties hereto. In addition, you shall be paid \$34,335.00 upon the Company's receipt of an executed copy of this Agreement.

This Agreement may be terminated by you for any reason by giving the Company 30 days written notice. In the event that you so terminate this Agreement, you shall be entitled to all valid, non-reimbursed personal expenses incurred by you in connection with performance of your consulting services. The Company may terminate this Agreement only with your written, mutual consent. Regardless of which party terminates this Agreement, the assignment mentioned above shall remain in force, and you shall have 3 months in which to exercise your right to purchase the balance, if any, of the 50 shares of stock not previously purchased.

Please acknowledge your agreement with the foregoing by signing below, keeping one original copy, and returning the other original in the enclosed overnight courier envelope to me for our files. Thanks.

Very truly yours,

Robert L. Bratzler, Ph.D.  
President and Chief Executive Officer

Agreed to and Acknowledged by:

  
Alfred D. Steinberg, M.D.

Express Mail Label No. EL8445142  
Date of Deposit: August 16, 2001



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

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FEBRUARY 16, 2001

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BOSTON, MA 02210

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RECORDATION DATE: 11/27/2000

REEL/FRAME: 011318/0738  
NUMBER OF PAGES: 7

BRIEF: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

CPG IMMUNOPHARMACEUTICALS, INC.

DOC DATE: 01/14/2000

ASSIGNEE:

COLEY PHARMACEUTICAL GROUP, INC.  
20 WILLIAM STREET  
SUITE 115  
WELLESLEY, MASSACHUSETTS 02481

SERIAL NUMBER: 09415142  
PATENT NUMBER:

FILING DATE: 10/08/1999  
ISSUE DATE:

JEFFREY OLSEN, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

RE

12-13-2000

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FORM PTO-1595 U.S.  
(Rev. 6-93)  
OMB No. 0651-0011 (exp. 4/94)



101547981

DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Assistant Commissioner for Patents : Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):  
CpG ImmunoPharmaceuticals, Inc  
Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No  
3. Nature of conveyance:  
☐ Assignment ☐ Merger  
☐ Security Agreement ☒ Change of Name  
☐ Other \_\_\_\_\_  
Execution Date:

2. Name and address of receiving party(ies)  
Name: Coley Pharmaceutical Group, Inc.  
Internal Address:  
Street Address:  
20 William Street, Suite 115  
Wellesley, MA 02481  
Additional name(s) & addresses(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):  
If this document is being filed together with a new application, the execution date of the application is  
A. Patent Application No.(s) B. Patent No.(s)  
09/415,142 (Reel 011080, Frame 0112)  
Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence  
Concerning document should be mailed:  
Name: Helen C. Lockhart  
Address: WOLF, GREENFIELD & SACKS, P.C.  
Federal Reserve Plaza  
600 Atlantic Avenue  
Boston, MA 02210

6. Total number of applications and patents involved: **One**  
7. Total fee (37 CFR 3.41) \$ 40.00 **E**  
☒ Enclosed  
☐ Authorized to be charged to deposit account  
The Commissioner is authorized to charge:  
8. Deposit Account No: 23/2825

DO NOT USE THIS SPACE

9. Statement and signature  
To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Helen C. Lockhart  
(Reg. No. 39,248)

*Helen C. Lockhart*

11/21/00

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: **9**

Mail documents to be recorded with required cover sheet information to:  
Box Assignment, Commissioner for Patents,  
Washington, D.C. 20231

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*Office of the Secretary of State*

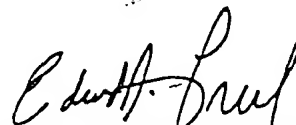
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I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "COLEY PHARMACEUTICAL GROUP, INC." IS DULY INCORPORATED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL CORPORATE EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE TWENTY-FIRST DAY OF JANUARY, A.D. 2000.

AND I DO HEREBY FURTHER CERTIFY THAT THE FRANCHISE TAXES HAVE BEEN PAID TO DATE.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL REPORTS HAVE BEEN FILED TO DATE.



  
Edward J. Freel, Secretary of State

2729259 8300

001033709

AUTHENTICATION: 0211842

DATE: 01-21-00

State of Delaware  
Office of the Secretary of State

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PAGE 1

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "CPG IMMUNOPHARMACEUTICALS, INC.", CHANGING ITS NAME FROM "CPG IMMUNOPHARMACEUTICALS, INC." TO "COLEY PHARMACEUTICAL GROUP, INC.", FILED IN THIS OFFICE ON THE FOURTEENTH DAY OF JANUARY, A.D. 2000, AT 9 O'CLOCK A.M.



A handwritten signature in cursive script, reading "Edward J. Freel".

Edward J. Freel, Secretary of State

2729259 8100

001032990

AUTHENTICATION: 0211581

DATE: 01-21-00

CERTIFICATE OF AMENDMENT  
OF  
CERTIFICATE OF INCORPORATION  
OF  
CPG IMMUNOPHARMACEUTICALS, INC.

PURSUANT TO SECTION 242

It is hereby certified that:

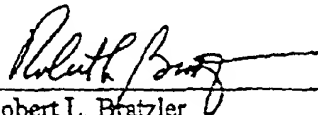
1. The name of the corporation (hereinafter called the "Corporation") is CpG ImmunoPharmaceuticals, Inc.

2. The Certificate of Incorporation of the Corporation as amended to date is hereby amended by striking out Article FIRST in its entirety and by substituting in lieu thereof the following:

"FIRST: The name of the corporation is Coley Pharmaceutical Group, Inc. (hereinafter sometimes referred to as the "Corporation")."

3. The amendment of the Certificate of Incorporation, as amended, herein certified has been duly adopted and written consent has been given in accordance with the provisions of Section 228 of the General Corporation Law of the State of Delaware.

Signed this 3<sup>rd</sup> day of January, 2000.

  
Robert L. Bratzler  
President

*State of Delaware*  
*Office of the Secretary of State*

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PAGE 1

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF INCORPORATION OF "CPG IMMUNOPHARMACEUTICALS, INC.", FILED IN THIS OFFICE ON THE SEVENTEENTH DAY OF MARCH, A.D. 1997, AT 9 O'CLOCK A.M.

A CERTIFIED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS FOR RECORDING.



*Edward J. Freel*

Edward J. Freel, Secretary of State

AUTHENTICATION:

2729259 8100

DATE:

8375921

CERTIFICATE OF INCORPORATION  
OF  
CPG IMMUNOPHARMACEUTICALS, INC.

The undersigned, a natural person, for the purpose of organizing a corporation for conducting the business and promoting the purposes hereinafter stated, under the provisions and subject to the requirements of the laws of the State of Delaware (particularly Chapter 1, Title 8 of the Delaware Code and the acts amendatory thereof and supplemental thereto, and known, identified and referred to as the "General Corporation Law of the State of Delaware"), hereby certifies that:

FIRST: The name of the Corporation is CPG IMMUNOPHARMACEUTICALS, INC. (hereinafter sometimes referred to as the "Corporation").

SECOND: The address of the registered office of the Corporation in the State of Delaware is 1013 Centre Road, in the City of Wilmington, County of New Castle. The name of the registered agent at the address is The Prentice-Hall Corporation System, Inc.

THIRD: The purpose of the Corporation is to engage in any lawful act or activity for which a Corporation may be organized under the General Corporation Law of the State of Delaware.

FOURTH: The total number of shares of stock which the Corporation shall have authority to issue is forty thousand (40,000) shares, of which stock twenty thousand (20,000) shares, par value of one cent (\$0.01) each, shall be Preferred Stock (the "Preferred Stock") and of which stock twenty thousand (20,000) shares, par value of one cent (\$0.01) each, shall be Common Stock (the "Common Stock").

The Preferred Stock authorized by this Certificate of Incorporation shall be issued in series. The first such series shall be designated Series A Convertible Preferred Stock ("Series A Preferred Stock") and shall consist of three thousand five hundred (3,500) shares.

Except for the Series A Preferred Stock, and except as limited by Article FOURTH, Section 6 hereof, the Board of Directors is authorized at any time, and from time to time, to provide for the issuance of shares of Preferred Stock in one or more series, and to determine the designations, preferences, limitations and relative or other rights of the Preferred Stock or any series thereof. For each series other than the Series A Preferred Stock, and except as limited by Article FOURTH, Section 6 hereof, the Board of Directors shall determine, by resolution or resolutions adopted prior to the issuance of any shares thereof, the designations, preferences, limitations and relative or other rights thereof, including but not limited to the following relative rights and preferences, as to which there may be variations among different series:

- (a) The rate and manner of payment of dividends, if any;
- (b) Whether shares may be redeemed and, if so, the redemption price and the terms and conditions of redemption;
- (c) The amount payable for shares in the event of liquidation, dissolution or other winding up of the Corporation;
- (d) Sinking fund provisions, if any, for the redemption or purchase of shares;



and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a director, officer, employee, or agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

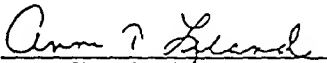
ELEVENTH: Whenever a compromise or arrangement is proposed between this Corporation and its creditors or any class of them and/or between this Corporation and its stockholders or any class of them, any court of equitable jurisdiction within the State of Delaware may, on the application in a summary way of this Corporation or of any creditor or stockholder thereof or on the application of any receiver or receivers appointed for this Corporation under the provisions of Section 291 of the General Corporation Law of the State of Delaware or on the application of trustees in dissolution or of any receiver or receivers appointed for this Corporation under the provisions of Section 279 of the General Corporation Law of the State of Delaware, order a meeting of the creditors or class of creditors, and/or of the stockholders or class of stockholders of this Corporation, as the case may be, to be summoned in such manner as the said court directs. If a majority in number representing three-fourths (3/4) in value of the creditors or class of creditors, and/or of the stockholders or class of stockholders of this Corporation, as the case may be, agree to any compromise or arrangement and to any reorganization of this Corporation as consequence of such compromise or arrangement, such compromise or arrangement and such reorganization shall, if sanctioned by the court to which such application has been made, be binding on all the creditors or class of creditors, and/or on all the stockholders or class of stockholders, of this Corporation, as the case may be, and also on this Corporation.

TWELFTH: The votes of two-thirds (2/3%) of all of the outstanding shares of the capital stock of the Corporation entitled to vote are required to repeal or amend the provisions of this Certificate of Incorporation relating to:

A. the authority of the Board of Directors and the Stockholders to amend the by-laws of the Corporation; and

B. the elimination of directors' personal liability for monetary damages arising from their negligence and gross negligence.

I, the undersigned, being the sole incorporator, for the purpose of forming a Corporation under the laws of the State of Delaware, do make, file and record this Certificate of Incorporation, to certify that the facts herein stated are true, and accordingly have hereto set my hand this 17 day of March, 1997.

  
Anne T. Leland